

U.S. BANKRUPTCY COURT NEWSLETTER

*District of Arizona
2000*

Spring/Summer

RANDOLPH J. HAINES RECEIVES APPOINTMENT TO PHOENIX OFFICE



Honorable Randolph J. Haines and Honorable Robert G. Mooreman

On March 17, 2000, Randolph J. Haines was officially sworn in as Bankruptcy Judge for the District of Arizona. He replaces Honorable Robert G. Mooreman who retired after 19 years of judicial service. The formal investiture of Honorable Randolph J. Haines took place on April 7, 2000 officiated by Honorable Stephen M. McNamee, Chief, U.S. District Judge.

Featured in this issue...

| | |
|------------------------------|------------------|
| <i>Judicial Appointment</i> | <i>1 & 2</i> |
| <i>Attention Attorneys</i> | <i>2 & 3</i> |
| <i>Copying Services</i> | <i>3</i> |
| <i>Courtroom Assignments</i> | <i>3</i> |
| <i>Filing Fee Increases</i> | <i>3</i> |
| <i>PACER News</i> | <i>3 & 4</i> |
| <i>1999 Case Filings</i> | <i>4</i> |
| <i>Fee Schedule</i> | <i>5 & 6</i> |

Honorable Robert G. Mooreman was officially appointed U.S. Bankruptcy Judge for the District of Arizona on June 28, 1981. He was selected as Chief Bankruptcy Judge on October 3, 1984, and served in that office until June 27, 1994. He was both Chairman and a member of the Ninth Circuit Executive Committee of the Conference of Chief Bankruptcy Judges. He also served on the Circuit Educational Committee and Judge Mooreman was appointed to a then newly created position on the Bankruptcy Appellate Panel (BAP) by the Ninth Circuit Court of Appeals on May 22, 1986 serving until the Fall of 1989.

(Continued on Page 2)

(Continued from Page 2)

Judge Mooreman's 10 years as Chief Judge were marked by continuous growth and change in the Bankruptcy Court for the District of Arizona.

Prior to his admission as bankruptcy judge, Honorable Randolph J. Haines was a partner in the firm of Lewis & Roca's Finance and Bankruptcy Group. His practice concentrated on the areas of bankruptcy and commercial litigation, including representation of creditors, debtors, trustees and creditors' committees. He has also served as a chapter 11 trustee and as a court-appointed examiner. He has substantial experience in fraudulent conveyance and preference litigation, LBO's, Ponzi cases, airline industry cases, and debtor and creditor plans of reorganization.

Judge Haines is a Fellow of the American College of Bankruptcy, and is listed among *The Best Lawyers in America*. He also served as the author of "The Unwarranted Attack on New Value," 72 *Amer. Bank. L.J.* He is also a contributing editor to the *Norton Bankruptcy Law and Practice Treatise*, responsible for the chapter 11 materials. In addition, he serves as a managing editor of the *Norton Bankruptcy Adviser* and writes the "Recent Developments in Chapter 11" chapter for the *Norton Annual Survey of Bankruptcy Law*.



Arizona's *U.S. Bankruptcy Court Newsletter* is a publication of court policies, procedures and information designed to assist the public and members of the bar.

George B. Nielsen, Jr., *Chief Judge*
Lawrence Ollason, *Judge*
Sarah Sharer Curley, *Judge*
Redfield T. Baum, *Judge*
James M. Marljar, *Judge*
Charles G. Case II, *Judge*
Randolph J. Haines, *Judge*
Kevin E. O'Brien, *Clerk of Court*
Brett L. Montana, *Editor*

ATTENTION ATTORNEYS!

BAR DATE NOTICES

When a bar date notice is mailed; objection or response is filed, the objecting/responding party or movant should be submitting a NOTICE OF HEARING (in and ECF case, submit a request for hearing date) so the matter can be heard and resolved.

REINSTATEMENTS

If the chapter 13 trustee has had a case dismissed or has already submitted an order for dismissal, the debtor(s) attorney needs to get the trustee's signature before filing any motion to reinstate the case. It goes without saying the reason for the dismissal must be rectified first.

ATTORNEY FOR WHO?

When submitting a pleading that includes a mailing certificate, it would be helpful and appreciated if the certificate included not only the attorney's name, but who he/she represents. This type of information is important and useful when matters are being set for calendar. Please pass this information to your staff for future filings with the court.

(Continued on Page 3)

ECF

When an attorney files a motion and it is set for hearing, either by obtaining the date via E-mail, telephone or special request form, the attorney **STILL NEEDS TO SEND THE COURTROOM DEPUTY A COPY OF THE NOTICE OF HEARING**. Otherwise, the matter may not get on the calendar. The filing of the pleading electronically, does not automatically mean it gets on the calendar.

If the attorney misplaces his/her password and requests a new password, we will not give the password to anyone other than the person assigned.

New



OFF-SITE COPYING SERVICE

On February 28, 2000, our Phoenix Divisional Office entered into contract with Legal Matters of Phoenix to provide copying service to the bar and public.

The prices are as follows:

- Copy Cost (per page) \$.05
- Document Search (per document) 3.00
- Local Fax Delivery (per order) .50
- Long Distance Fax Delivery (per page) .50

For more information, please contact:
Legal Matters
3200 N Central Avenue Ste 670
Phoenix AZ 85012
(602) 248-7900

Please Note: The vendor is responsible for the collection of all fees for services provided under this agreement. Payment will be accepted by cash, check, money order, credit card, or billable accounts.

COURTROOM ASSIGNMENT CHANGES

The special purposes courtroom located on the 11th Floor of the Phoenix Plaza, formerly assigned to Judge Mooreman, will now support the needs of Judges' Ollason and Marlar, and those of all visiting judges.

The former special purposes courtroom and visiting judge's chambers are now assigned to Judge Haines.

New



FILING FEE INCREASES

Effective December 29, 1999 a few increases in filing fees came into effect. Please refer to the last page for a listing of the updated filing fees.

U.S. PARTY/CASE INDEX ON THE INTERNET

The PACER Service Center is pleased to introduce a new website for the U.S. Party/Case Index.

pacer.uspci.uscourts.gov

Features of the new website include 1) the ability to search by particular district rather than by whole state, 2) for some courts, the ability to access the docket of a located case by linking to the court's website, 3) the ability to limit search results by entering a case filed date range, and 4) for civil cases, the ability to search by party name and nature of suit code. Moreover, searches are faster and the overall data is more reliable. (Continued on Page 4)

The charge for Internet access to the U.S. Party/Case Index is \$.07 per page of search results. Every search will incur a minimum charge of \$.07. A Review Billing History option is available for reviewing charges.

NOTE: *The charge for viewing a linked docket will not appear in the Review Billing History option of the U.S. Party/Case Index. The charge will appear at the linked court's Review Billing History option.*

UNIVERSAL LOGIN

Users of PACER on the Internet will have the added convenience of a Universal Login feature. This feature will allow a user to login at one PACER site on the Internet and move to other PACER sites without having to login again as long as the browser remains open. However, if the browser is closed, it will be necessary to login again. A cookie enabled browser is required for the Universal Login to work.

PSC WEBSITE UPDATE

PACER users may now access Account Information at the PACER Service Center website.

pacer.psc.uscourts.gov

This feature enables PACER users to obtain account balance information, review billing history, and change passwords. Visitors can obtain PACER information, FAQs, online registration, sample data, user manuals and documents, modem numbers, and links to PACER websites. As PACER courts become available on the Internet, links to those sites will be added. There is no charge for accessing the PSC website.

INTERNET ACCESS CHARGES

As of October 1, 1999, an access fee of \$.07 per page **viewed**, as approved by the Judicial

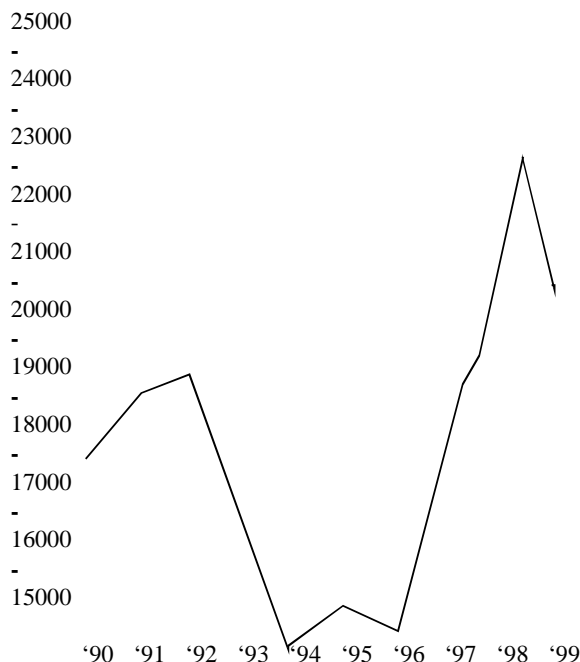
Conference of the United States at its September 1998 session, is assessed for access to PACER service on the Internet, Dial-up PACER is still available; the charge remains \$.60 per minute.

NOTE: *The \$.07 per page fee and the \$.60 per minute fee are separate. Access to dial-up PACER will produce a per minute charge while web access will produce a per page charge. Users will NOT incur both per minute and per page charges for a PACER session.*

1999 CASE FILINGS

Overall case filings declined 7.4% compared to 1998. Phoenix filings (including Yuma) were down 6.7%. Tucson filings decreased 9.6%. Chapter 11 filings increased .6 percent. In 1999 Phoenix had 70% of the filings, Tucson had 23.82% and Yuma had 6.18%

A LOOK AT THE LAST 10 YEARS!



| DOCUMENT | FILING FEES | | COMMENT |
|------------------------------------------|-------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | CHAPTER | FEE | |
| Abandonment | All | \$ 75 | Due at time of filing. |
| Adversary Complaint | All | None | If debtor or debtor's attorney files a complaint for dischargeability of a debt. |
| | All | \$150 | Fee due at time of filing if filed by a creditor or creditor's attorney. |
| | 7 | \$150 | When filed by trustee or attorney for trustee, paid from estate when funds available. |
| | 7, 13 | None | If filed by a Chapter 7 or 13 debtor or debtor's attorney. |
| | 11, 12 | \$150 | When filed by debtor in possession, attorney for debtor in possession, trustee or attorney for trustee. Due at a time of filing, unless a motion and order to defer payment is filed with complaint. |
| | 13 | \$150 | If filed by trustee, but is paid from estate upon plan confirmation. |
| Amendment | All | \$ 20 | Amendment to Schedule(s) D, E or F. |
| Appeal | All | \$105 | |
| Archive Retrieval | All | \$ 25 | Per record. (Records are shipped to out-of-state archives center within three months of closing.) |
| Audio Tape of Hearing | All | \$ 15 | Per tape. |
| Certification of Document | All | \$ 5 | Due for a single document or by separate instrument. |
| | | \$ 10 | Exemplification of document or paper. |
| Computer Access to Court Database | All | \$.60 | B.R.A.S.S. access fee per minute. |
| Conversion to Chapter 7 | | \$ 15 | Due when a debtor files Notice or Motion to Convert a Chapter 12 or 13 case to Chapter 7 or when a creditor Files a Motion to Convert any chapter case to Chapter 7. |
| Conversion to Chapter 11 | | \$400 | Applies when a Chapter 7 or 13 converts to a Chapter 11 at the request of the debtor. |

| | | | |
|-----------------------------------------------------------------|-----------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Copies | All | \$.50 | Per page. Due in addition to archive retrieval, search or certification fee when charged. |
| Cross-Appeal | All | \$100 | Due at the time of filing. |
| Deconsolidation | 7, 13 | \$ 77.50 | |
| | 11 | \$400 | |
| | 12 | \$100 | |
| Filing/Indexing | All | \$ 20 | Due at the time of filing. |
| Information Available on Index System, Cards, or Dockets | All | None | Copy fees applicable. |
| Involuntary Petition | 7 | \$200 | |
| | 11 | \$830 | |
| Limited Admission | All | None | |
| Motion to Lift, Vacate, or Modify Stay | All | \$ 75 | Due at time of filing. |
| Motion to Withdraw Reference | All | \$ 75 | Due at time of filing. |
| New Petition | 7 | \$200 | Original + 3 copies required. |
| | 11 | \$830 | Original + 6 copies required. |
| | 12 | \$230 | Original + 4 copies required. |
| | 13 | \$185 | Original + 4 copies required. |
| | Ancillary | \$530 | For filing a petition ancillary to a foreign proceeding. |
| Registration of Foreign Judgment | All | \$ 20 | Due at time of filing. |
| Reopening | 7 | \$155 | Fee equal to the filing fee in effect for commencing a new case on the date of opening, unless it is to correct an administrative error or for actions relating to debtor's discharge. Debtor's motion to reopen a case to add a creditor or to avoid a lien does incur the filing fee. |
| | 11 | \$800 | |
| | 12 | \$200 | |
| | 13 | \$155 | |
| Returned Check | All | \$ 25 | Per NSF check returned. |
| Search Fee | All | \$ 15 | For each name or document searched. |

